

# **EXHIBIT 3**

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN

SANDRA GLOWACKI, on behalf of her minor children, D.K.G. and D.C.G.,

Plaintiffs,

v.

HOWELL PUBLIC SCHOOL DISTRICT, and JOHNSON (“JAY”) McDOWELL, individually and in his official capacity as a teacher in the Howell Public School District,

Defendants.

Case No. 2:11-cv-15481-PJD-DRG

Hon. Patrick J. Duggan

Mag. Judge David R. Grand

**AFFIDAVIT OF DANIELLE KOLLATH**

BEFORE ME, the undersigned Notary, *Sharon Peper*, on this 17th day of August, 2012, personally appeared Danielle Kollath, known to me to be a credible person and of lawful age, declares under penalty of perjury that the following is true:

This occurred in my 6<sup>th</sup> hour during Mr. McDowell’s economics class on October 20, 2010.

At the beginning of the hour, Danielle Peterson came into the class with a Confederate belt buckle on. Mr. McDowell asked her to remove her belt buckle because it represented the oppression of the blacks and the time period in history when blacks were hung. She did remove the belt buckle after she asked him “why.” Mr. McDowell stated that he did not want it in his classroom, and it was his rules.

Mr. McDowell had on a purple shirt in support of an anti-gay bulling video which the class had to view and discuss. Students were speaking amongst themselves asking what the video had to do with economics.

I noticed several times prior to this day that Daniel Glowacki would come to class late which would result in Daniel Glowacki and Mr. McDowell exchanging words. On this date, Daniel Glowacki came into class late, and I noticed tension between the teacher and student.

As Mr. McDowell was getting ready to show the movie clip on anti-bullying, Daniel Glowacki raised his hand and said that it was against his religion to accept gays. Mr. McDowell said “Your religion cannot say whether you like or dislike gays.” I felt that Mr. McDowell was bashing religion. Mr. McDowell told Daniel that if he did not accept gays to get out of his class. Daniel Glowacki and another student walked out into the hall. Mr. McDowell was yelling loudly at Daniel Glowacki as he left the room. Mr. McDowell yelled at them to stay out of the classroom until someone could get them. Mr. McDowell returned to class, slammed the classroom door, and made a phone call. Then, Mr. McDowell joined the students back in the hallway again, yelling at the students.

Mr. McDowell came back to class a second time. There was an exchange of words and questions between Mr. McDowell and the remaining students. A student asked about freedom of speech. Mr. McDowell said not in his classroom because it was his rules. I can’t remember all of the conversations but these are the ones I do:

I spoke up about my religion and Mr. McDowell told me:

- My religion was wrong.
- Mr. McDowell asked “where in the Bible does it say not to accept gays?”
- Mr. McDowell then told me I was raised incorrectly.

Mr. McDowell’s comments not only made me feel small, but I interpreted them as Mr. McDowell attacking my religion and my family.

He then told us to keep our opinions to ourselves and that this was “his classroom” and our opinions didn’t matter. At one point, Mr. McDowell told a student, “If you do not accept

gays, go to a Christian school.” Many students felt uncomfortable in the classroom.

The classroom discussion continued until there was approximately fifteen minutes left in class. Mr. McDowell then played the video about kids being ridiculed because they were Gay and committing suicide. Toward the end of the hour, Mr. McDowell talked about how “Don’t Ask, Don’t Tell” is wrong, and that Howell “needs to stop acting like we hate Blacks and stop being racist.”

Mr. McDowell kept giving his opinion but wouldn’t accept other students’ opinions. He seemed defensive and irate when other opinions were brought up. It seemed that Mr. McDowell wanted others to be tolerant of his views, but he was not tolerant of others’ views that he disagreed with.

Danielle Kollath

Danielle Kollath

Subscribed and sworn to before me  
this 17th day of August, 2012

Sharon L. Peper

Sharon L. Peper, Notary Public  
Macomb County, Michigan  
My Commission Expires: 04/30/2017  
Acting in Washtenaw County

SHARON L. PEPER  
Notary Public, State of Michigan  
County of Macomb  
My Commission Expires Apr. 30, 2017  
Acting in the County of Washtenaw